

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN MAXWELL MONTIN,)	4:08CV3082
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
BARBRA RAMSEY, et al.,)	
)	
Defendants.)	

This matter is before the court on Defendants' Motion for Leave to File Out of Time. (Filing No. [31](#).) For good cause shown, the Motion is granted. Also pending is Plaintiff's Motion for Summary Judgment. (Filing No. [26](#).) Plaintiff's Motion seeks judgment in favor of Plaintiff due to Defendants' failure to timely answer or otherwise respond to the Complaint. Because Defendants have been granted leave to answer or otherwise plead, the Motion for Summary Judgment is denied as moot.

IT IS THEREFORE ORDERED that:

1. Defendants' Motion for Leave to File Out of Time (filing no. [31](#)) is granted. Defendants shall file an answer or other responsive pleading by **February 27, 2009**.
2. Plaintiff's Motion for Summary Judgment (filing no. [26](#)) is denied as moot.

February 5, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge

